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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT CALIFORNIA OF SAN FRANCISCO DIVISION**

In re:
PG&E CORPORATION
-and-
PACIFIC GAS AND ELECTRIC
COMPANY,
☐ Affects PG&E Corporation
☐ Affects Pacific Gas and Electric Company
☒ Affects both Debtors

Case No.: 19-30088 (DM)

Chapter 11
(lead case)
(jointly administered)

**MOTION TO ALLOW/DEEM
TIMELY LATE FILING OF
PROOF OF CLAIM BY WALTER
JANSSEN AND DONNA JANSSEN,
MEMORANDUM OF POINTS
AND AUTHORITIES;
DECLARATION OF REGINA
BAGDASARIAN IN SUPPORT**

Date: TBD
Time: TBD
Place: United States Bankruptcy Court
Courtroom 16, 17th Floor
San Francisco, CA 94102

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TO THE HONORABLE DENNIS MONTALI, UNITED STATES BANKRUPTCY COURT
JUDGE, THE OFFICE OF THE UNITED STATES TRUSTEE, AND ALL INTERESTED
PARTIES:

1 Frantz Law Group, APLC represents thousands of victims of the Fires started by PG&E
2 in 2017 (generally referred to as the “North Bay Fires”), 2018 (“Camp Fire”) and 2019
3 (“Kincade Fire”). Frantz Law Group, APLC respectfully files this motion on behalf of Walter
4 Janssen and Donna Janssen (“Movants”) to deem timely late filing of proofs of claims
5 (“Motion”).

6 I. SUMMARY OF ARGUMENT

7 A proof of claim may be deemed timely upon a showing of excusable neglect and lack of
8 prejudice. In this case, due to a variety of stressors arising from the loss of their home in the
9 Tubbs Fire, the subsequent loss a year later of their Paradise home in the Camp Fire, their
10 respective health issues stemming from Donna Janssen’s stroke in 2003 which left her wheel
11 chair bound and in need of 24 hour home care and concomitant medical needs, as well as TIA
12 (mini strokes) suffered by Walter Janssen in 2019, which were likely precipitated by the stress of
13 losing both homes and all their worldly possessions in the fires and the misunderstanding as to
14 the legitimacy of their claims Movants, who are both in their eighties, were unable to timely file
15 their proof of claim. Because there is no danger of prejudice to the Debtors as Debtors’ estates
16 are solvent, and all creditors stand to be paid, the Motion should be granted to allow these
17 survivors to have their claim deemed timely. This Court must determine whether to grant the
18 Motion.

19 II. FACTUAL BACKGROUND

20 Movants, Walter Janssen and Donna Janssen, are Tubbs Fire and Camp Fire Survivors.
21 Movants are in their eighties, and both have a variety of debilitating health ailments. Donna
22 Janssen had a brain aneurysm which left her unable to care for herself independently, and Walter
23 Janssen was her caretaker until his health declined. After the fires, he began to experience
24 transient ischemic attacks as well as incapacitating dizziness. Movants were in poor health both
25 physically and mentally, and they did not have the capacity to deal with the multitude of issues
26 that followed the wildfires.
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1 It was the severe trauma of the Camp and the Tubbs fire, combined with their advanced
2 ages and medical conditions, that prevented the movants from timely filing a proof of claim.
3 Once movants sought legal advice from Frantz Law Group, FLG filed a claim accordingly on
4 behalf of Movants. A true and correct copy of the Subject Proof of Claim is attached to the
5 Declaration as Exhibit "1."
6

7 III. LEGAL ARGUMENT

8 In Chapter 11 proceedings, bankruptcy courts have broad discretion to accept late filings,
9 including proofs of claim, where tardiness is the consequence of "excusable neglect." Fed. R.
10 Bank. Pro. 9006(b)(1). This standard is "flexible," and permits the Court to allow "late filings
11 caused by inadvertence, mistake, or carelessness, as well as by intervening circumstances beyond
12 the party's control." *Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P'ship*, 507 U.S. 380, 389
13 (1993). Where the party's delay is caused by overwhelming personal distress, a late filing may
14 be allowed on grounds of excusable neglect. See e.g., *In re Nw. Territorial Mint, LLC*, No. AP
15 16 1217-CMA, 2018 WL 6187762, at *5 (B.A.P. 9th Cir. Nov. 27, 2018) ("Excusable neglect
16 can include sudden death, disability or illness of counsel, a close family member of counsel, or .
17 . . the party."); *In re Schultz*, 254 B.R. 149, 154 (B.A.P. 6th Cir. 2000) (same); *TCI Group Life*
18 *Ins. Plan v. Knoebber*, 244 F.3d 691, 699 (9th Cir. 2001) (excusable neglect where party was
19 experiencing extreme personal difficulties and was "distracted") (overruled on other grounds);
20 *Comm. for Idaho's High Desert, Inc. v. Yost*, 92 F.3d 814, 824 (9th Cir. 1996) (holding that
21 "compelling circumstances" in one's personal life may constitute excusable neglect).
22

23 The test for excusable neglect is "at bottom an equitable [inquiry]." *Pioneer Inv. Servs.*
24 *Co.*, 507 U.S. at 395. Courts in the Ninth Circuit generally examine four (4) factors in their
25 analysis: (i) the danger of prejudice to the non-movant, (ii) the length of delay and its potential
26 impact on the judicial proceedings, (iii) the reason for the delay, and (iv) whether the movant
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1 acted in good faith. See *id.* Each of these four factors weighs heavily in favor of Walter Janssen
2 and Donna Janssen. Accordingly, their late proof of claims should be deemed timely.

3 In our present case, there will be no prejudice to PG&E by the Movant's claim. The value
4 of the Movants claims is marginal relative to the Debtors' estates and the allowance of those
5 claims will not disrupt the reorganization or distribution process. Debtors' estates are solvent,
6 and all creditors stand to be paid. See, e.g., *In re Best Payphones, Inc.*, 523 B.R. 54, 75-6 (Bankr.
7 S.D.N.Y. 2015) and *In re Sheehan Mem'l Hosp.*, 507 B.R. 802, 803 (Bankr. W.D.N.Y. 2014)
8 (where the chapter 11 estate is solvent, "the proper remedy for a late filing is not the
9 expungement of a claim, but its allowance as a tardily filed claim only.).

10 Second, despite the late filing, the Movant's claim will have essentially zero impact on
11 the judicial proceedings and will not change PG&E's reorganization process. There are tens of
12 thousands of similarly situated claimants as the Movant, whose claims will be placed among
13 them, resulting in no noticeable impact upon the distribution process. See e.g., *In re Dix*, 95 B.R.
14 134, 138 (B.A.P. 9th Cir. 1988) (allowing proof of claim filed two-years late because "there is
15 no indication [of] a negative impact on efficient court administration"); *In re Earth Rock, Inc.*,
16 153 B.R. at 63 (finding excusable neglect where eight-month delay would not impact
17 reorganization proceedings).

18 Third, the factual circumstances in the Movant's claim warrants excusable neglect. As
19 explained above. A cascade of stressors arising from the loss of their home in the Tubbs Fire, the
20 subsequent loss a year later of their Paradise home in the Camp Fire, their respective health
21 issues stemming from Donna Janssen's stroke in 2003 which left her wheel chair bound and in
22 need of 24 hour home care and concomitant medical needs, as well as TIA (mini strokes)
23 suffered by Walter Janssen in 2019, which were likely precipitated by the stress of losing both
24 homes and all their worldly possessions in the fires and the misunderstanding as to the
25 legitimacy of their claims, Movants, who are both in their eighties, were unable to timely file
26 their proof of claim. Additionally, the Movants both suffer from post-traumatic stress disorder as
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1 a result of the fires. Post-traumatic stress disorder symptoms may start within one month of a
2 traumatic event, but sometimes symptoms may not appear until years after the event.¹ These
3 symptoms cause significant problems in social or work situations and in relationships.² They can
4 also interfere with a person's ability to go about their normal daily tasks.³

5 PTSD symptoms can vary in intensity over time. Someone may have more PTSD
6 symptoms when they are generally stressed, or when they come across reminders of a traumatic
7 event they experienced.⁴ In terms of wildfire victims, many feel stress, anxiety, and panic when
8 they smell even the slightest smoke, because it triggers a traumatic memory of their experience.
9 Some even wake up multiple times at night to make sure there is not a fire nearby.
10

11 Another common symptom of PTSD is avoiding things that remind someone of the event.
12
13 ⁵ For wildfire victims, this can include putting off filing a lawsuit in order to try to move on from
14 the traumatic event. Unfortunately, for these types of wildfire victims, years later, often come to
15 the realization that it is not possible to simply start over after the fire. Many wildfire victims have
16 lost their homes, everything they own, their jobs, and their community. With a limited or no
17 income at all, most wildfire victims are unable to rebuild and move on as they were trying to do.
18 Similarly, here, Movant were believed because they had insurance coverage, they did not have
19 damages for which to make a claim. As a result, due to excusable unawareness, the Movant did
20 not timely file a proof of claim for their damages in the fires until after the bar date. See e.g.,
21 Comm. for Idaho's High Desert, Inc. v. Yost, 92 F.3d 814, 824 (9th Cir. 1996) ("compelling
22 circumstances" in one's personal life may constitute excusable neglect). After learning they did
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25 ¹ Post-traumatic stress disorder (PTSD) - Symptoms and causes, Mayo Clinic (July 6, 2018),
26 www.mayoclinic.org/diseases-conditions/post-traumatic-stress-disorder/symptoms-causes/syc-20355967.

27 ² *Ibid.*

28 ³ *Ibid.*

⁴ *Ibid.*

⁵ [About Face booklet \(va.gov\)](http://About Face booklet (va.gov))

1 in fact have legitimate claims, Movant contacted Frantz Law Group, APLC to evaluate their
2 claim. During the normal course of due diligence, Frantz Law Group, APLC inquired about
3 possible damages from the fires.

4 It would be unfair for Movants to not be able to file their claims. Movants, like all other
5 wildfire survivors, endured extraordinary trauma. Importantly, the Movant's claim was made in
6 good faith. In the aftermath of the fires, Movants struggled mentally, physically, and emotionally.
7 Because of Movants' misinformation about the law, they did not understand the legitimacy of her
8 claims. This, and the other factors recited above, resulted in the Movants not filing a claim in
9 time.
10

11 **IV. CONCLUSION**

12 For the foregoing reasons, this Motion should be granted, and Walter Janssen and Donna
13 Janssen's claim should be deemed timely.
14

15 Dated: April 28, 2022

16 By: /s/ James P. Frantz
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21 San Francisco, CA 94105
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Declaration of Regina Bagdasarian

I, Regina Bagdasarian, declare as follows:

1. I am an individual over 18 years of age and competent to make this Declaration.
2. If called upon to testify, I could and would competently testify as to the facts set forth in this Declaration. The facts set forth below are true based on my personal knowledge or through information obtained my staff.
3. I am an attorney of the law firm Frantz Law Group, APLC and I make this declaration in support of the Motion to Allow/Deem Timely Late Filing of Proof of Claim.
4. Creditors Walter Janssen and Donna Janssen are survivors of the Tubbs Fire that occurred in 2017, as well as the Camp Fire that occurred in 2018.
5. Walter Janssen and Donna Janssen resided at 1600 Elliott Road, Paradise, CA 95969 and 320 Pacific Heights Drive, Paradise, Ca. 95403.
6. Walter Janssen and Donna Janssen did not file a claim sooner because of their declining mental and physical health issues which prevented the movants from timely filing a proof of claim.
7. On April 6, 2022, Walter Janssen and Donna Janssen retained Frantz Law Group.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 28, 2022.

/s/

Regina Bagdasarian

CERTIFICATE OF SERVICE

I hereby certify that on March 15, 2022, a copy of the following was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system.

/s/ 
Regina Bagdasarian

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EXHIBIT 1

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA (SAN FRANCISCO DIVISION)

In re:
PG&E CORPORATION,
- and -
PACIFIC GAS AND ELECTRIC
COMPANY,
Debtors.

Bankruptcy Case
No. 19-30088 (DM)

Chapter 11
(Lead Case)
(Jointly Administered)

Proof of Claim (Fire Claim Related)

Read the instructions before filing this claim form. This form is for tort claimants who have a claim against the Debtors (i.e. PG&E Corporation and Pacific Gas and Electric Company) that arose prior to the Debtors filing for bankruptcy (i.e. prior to January 29, 2019) and that arose from, or relates to, a fire.

Do not use this form for non-fire claims. Non-fire tort claimants should use Form 410.

Do NOT file a fraudulent claim. A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Please type or print in the spaces below. Do NOT use red ink or pencil.

Part 1: Identify the Claim

1. Who is the current creditor?	Walter Janssen Name of the current creditor (the person or entity to be paid for this claim)	
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. Are you filing this claim on behalf of your family? A family is a group of two or more people related by birth, marriage, domestic partnership, or adoption and residing together. All such people are considered as members of one family.	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If you checked "Yes", please provide the full name of each family member that you are filing on behalf of: Donna Janssen _____ _____ _____ _____	
4. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Where should notices to the creditor be sent? Name Walter Janssen Attorney Name (if applicable) James P. Frantz Attorney Bar Number (if applicable) 87492 Street Address 402 West Broadway Suite 860 City San Diego State CA Zip Code 92101 Phone Number 530-423-6774 Email Address wildfires@frantzlawgroup.com	Where should payments to the creditor be sent? (if different) Name _____ Attorney Name (if applicable) _____ Attorney Bar Number (if applicable) _____ Street Address _____ City _____ State _____ Zip Code _____ Phone Number _____ Email Address _____
5. Does this claim amend one already filed?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ MM / DD / YYYY	
6. Do you know if anyone else has filed a proof of claim for this claim?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____	

Part 2: Give Information About the Claim as of the Date this Claim Form is Filed

7. What fire is the basis of your claim?

Check all that apply.

- ☒ Camp Fire (2018)
☒ North Bay Fires (2017)
☐ Ghost Ship Fire (2016)
☐ Butte Fire (2015)
☐ Other (please provide date and brief description of fire: _____)

8. What are the loss location(s) where you and/or your family suffered harm? (e.g. home or business address, place of injury, place from which you were evacuated, if different.)

Location(s): 1600 Elliott Road, Paradise, CA 95969 and 320 Pacific Heights Drive, Paradise, Ca. 95403

9. How were you and/or your family harmed?

Check all that apply

- ☒ Property Damage (homes, structures, personal property, land, trees, landscaping, and all other property damage)
☒ Owner ☐ Renter ☐ Occupant ☐ Other (Please specify): _____
☒ Personal Injury
☐ Wrongful Death (if checked, please provide the name of the deceased) _____
☐ Business Loss/Interruption
☒ Lost wages and earning capacity
☒ Loss of community and essential services
☐ Agricultural loss
☒ Other (Please specify): Any and all other damages revocable under California law.

10. What damages are you and/or your family claiming/seeking?

Check all that apply

- ☒ Economic damages (including replacement cost of damaged property, diminution in value, loss of use, lost inventory, lost profits, and other economic damage)
☒ Non-economic damages (including loss of society and support, loss of consortium, pain and suffering, emotional distress, annoyance and discomfort, and other non-economic damage)
☒ Punitive, exemplary, and statutory damages
☒ Attorney's fees and litigation costs
☒ Interest
☒ Any and all other damages recoverable under California law
☐ Other (Please specify): _____

11. How much is the claim?

- ☐ \$ _____ (optional)
☒ Unknown / To be determined at a later date

Part 3: Sign Below

The person completing this proof of claim must sign and date it.
FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both.
18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

- ☐ I am the creditor.
☒ I am the creditor's attorney or authorized agent.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date _____ (mm/dd/yyyy)

Signature

Print the name of the person who is completing and signing this claim:

Name	James P Frantz		
	First name	Middle name	Last name
Title	Attorney		
Company	Frantz Law Group		
	Identify the corporate servicer as the company if the authorized agent is a servicer.		
Address	402 W Broadway Ste 860		
	Number	Street	
	San Diego	CA	92101
	City	State	ZIP Code
Contact phone	855-735-5945	Email	wildfires@frantzlawgroup.com

Instructions for Proof of Claim (Fire Claim Related)

United States Bankruptcy Court

You may have a claim against the Debtors for monetary loss, personal injury (including death), or other asserted damages arising out of or related to a fire. You should consider obtaining the advice of an attorney, especially if you are unfamiliar with the chapter 11 process and privacy regulations.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both.
18 U.S.C. §§ 152, 157 and 3571.

How to fill out this form

- **Fill in all of the information about the claim as of the date this claim form is filed.**
- **If the claim has been acquired from someone else, then state the identity of the last party** who owned the claim or was the holder of the claim and who transferred it to you before the initial claim was filed.
- **For a minor child, fill in only the child's initials and the full name of the child's parent or guardian.** For example, write *A.B., a minor child (John Doe, parent)*. See Bankruptcy Rule 9037.
- **You may but are not required to attach supporting documents to this form.**
Supporting documents will be gathered, maintained, and provided at a later date as instructed by the Court. If you do attach documents, you should attach redacted documents as supporting documentation will be made publicly available and will not be kept confidential. See the definition of *redaction* of information below.
- **Do not attach original documents because attachments may be destroyed after scanning.**
- **Question 3.** Members of a family may but are not required to file a proof of claim as a family but may, if they choose, submit individual claim forms for each family member that has a claim against the debtors.

- **Question 9.** If you suffered property damage, then provide the street address of each real property parcel where you suffered property damage. If you were personally evacuated as the result of a fire, then provide the address or intersection closest to where you encountered the fire and began evacuation. If you suffered property damage and were evacuated from a different location, include both. If you were a renter, provide the address of your residence.
- **Question 10.** This question requests general statements of underlying facts relating to harm and is not intended to be exhaustive or preclusive.
- **Question 11.** You are not required to include a claim amount with your proof of claim. Providing a claim amount at this time is optional.

Confirmation that the claim has been filed

To receive confirmation that the claim has been filed, enclose a stamped self-addressed envelope and a copy of this form together with the original. You may view a list of filed claims in this case by visiting the Claims and Noticing Agent's website at

<https://restructuring.primeclerk.com/pge>.

Understand the terms used in this form

Claim: A creditor's right to receive payment for a debt that the debtor owed on the date the debtor filed for bankruptcy. 11 U.S.C. §101 (5). A claim may be secured or unsecured.

Creditor: A person, corporation, or other entity to whom a debtor owes a debt that was incurred on or before the date the debtor filed for bankruptcy. 11 U.S.C. § 101 (10).

Debtor: A person, corporation, or other entity who is in bankruptcy. In this instance, PG&E Corporation and Pacific Gas & Electric Company.

Information that is entitled to privacy: A *Proof of Claim* form and any attached documents must show only the last 4 digits of any social security number, an individual's tax identification number, or a financial account number, only the initials of a minor's name, and only the year of any person's date of birth. If a claim is based on delivering health care goods or services, limit the disclosure of the goods or services to avoid embarrassment or disclosure of confidential health care information. You may later be required to give more information if the trustee or someone else in interest objects to the claim.

Proof of claim: A form that shows the creditor has a claim against the debtors on or before the date of the bankruptcy filing (in these cases, January 29, 2019). The form must be filed in the district where the case is pending.

Redaction of information: Masking, editing out, or deleting certain information to protect privacy. Filers must redact or leave out information entitled to **privacy** on the *Proof of Claim* form and any attached documents.

Offers to purchase a claim

Certain entities purchase claims for an amount that is less than the face value of the claims. These entities may contact creditors offering to purchase their claims. Some written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court, the bankruptcy trustee, or the debtor. A creditor has no obligation to sell its claim. However, if a creditor decides to sell its claim, any transfer of that claim is subject to Bankruptcy Rule 3001(e), any provisions of the Bankruptcy Code (11 U.S.C. § 101 et seq.) that apply, and any orders of the bankruptcy court that apply.

Please send completed Proof(s) of Claim to:

If by first class mail:

PG&E Corporation Claims Processing Center
c/o Prime Clerk LLC
Grand Central Station, PO Box 4850
New York, NY 10163-4850

If by overnight courier or hand delivery:

PG&E Corporation Claims Processing Center
c/o Prime Clerk LLC
850 Third Avenue, Suite 412
Brooklyn, NY 11232

You may also hand deliver your completed Proof(s) of Claim to any of the following service center offices (beginning July 15, 2019 through the Bar Date (October 21, 2019) during the hours of 8:30 a.m. – 5:00 p.m. Prevailing Pacific Time):

Chico Service Center
350 Salem Street
Chico, CA 95928

Marysville Service Center
231 "D" Street
Marysville, CA 95901

Napa Service Center
1850 Soscol Ave. Ste 105
Napa, CA 94559

Oroville Service Center
1567 Huntoon Street
Oroville, CA 95965

Redding Service Center
3600 Meadow View Road
Redding, CA 96002

Santa Rosa Service Center
111 Stony Circle
Santa Rosa, CA 95401

Photocopy machines will not be available at the Claim Service Centers; you must bring a photocopy of your Proof of Claim if you wish to receive a date-stamped copy.

Do not file these instructions with your form